

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEELIN A. CURRAN, ZAHRAA V.
WILKINSON, MOLLY M. DAILY, STOEL
RIVES, LLP,

Plaintiffs,

v.

ADIL LAHRICHI,

Defendant.

No.

**COMPLAINT FOR INJUNCTIVE
RELIEF UNDER 28 USC § 2283**

I.

Plaintiffs Keelin A. Curran, Zahraa V. Wilkinson and Molly M. Daily are residents of the State of Washington. Plaintiff Stoel Rives, LLP is a limited liability partnership organized under the laws of the State of Oregon.

II.

Upon information and belief, Defendant Adil Lahrichi is a resident of the State of Washington.

COMPLAINT FOR INJUNCTIVE RELIEF
UNDER 28 USC § 2283 – 1

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III.

Jurisdiction herein is based on the Anti-Injunction Act, Title 28 U.S.C. § 2283, which authorizes a court of the United States to stay proceedings in a State court in order “to protect or effectuate its judgments,” the so-called ‘relitigation exception’ to the Act. This Court has continuing jurisdiction to protect or effectuate its judgments under 28 U.S.C. § 2283.

IV.

On April 27, 2009, Adil Lahrichi, Defendant herein, filed a lawsuit in the Superior Court of Washington for King County, Case No. 09-2-17151 (hereinafter referred to as the “state court action”), naming Plaintiffs herein as defendants, as well as the following individuals and entities: Thomas Mino, Timothy Londergan, Timothy Parker, Raluca Dinu, Dan Jin, Henry Hu, Hannwen Guan, Gigoptix and Microvision, Inc. Also named as plaintiffs in the state court action are individuals identified in the complaint filed therein as Lahrichi’s spouse, children and mother.

V.

Defendant Lahrichi was a party to a prior action in this Court, Case No. 2:04-cv-02124-JCC, *Lahrichi v. Lumera Corp. et al.* (hereinafter referred to as the “prior federal action”). Plaintiffs herein are attorneys and the law firm that represented the defendants in the prior federal action. This Court issued orders and a final judgment determining that Lahrichi had no valid claims against the defendants in the prior federal action.

VI.

All of the claims asserted by Lahrichi and his co-plaintiffs in the state court action arise from alleged misconduct in the course of the proceedings before this Court in the prior federal action. Lahrichi alleges that Plaintiffs herein deliberately and in bad faith failed to comply with discovery orders entered by this Court, failed to abide by a mediation confidentiality agreement in litigation before this Court, and gave false and defamatory testimony before this Court.

VII.

The issues raised in the state court action were previously raised by Lahrichi in the prior federal action wherein this Court entered orders denying those allegations. Lahrichi's claims in the state court action are a collateral attack on this Court's prior orders and judgment, and Plaintiffs herein seek an order under the relitigation exception to the Anti-Injunction Act restraining and enjoining Lahrichi from pursuing the same allegations in the state court action, or in any other action.

VIII.

Lahrichi's state court co-plaintiffs are parties in privity with him for purposes of the relitigation exception. The complaint filed in the state court action fails to allege any different or individual interest held by the co-plaintiffs from that alleged to be held by Lahrichi himself, and the factual allegations alleged – which were previously litigated and determined by this Court in the prior federal action – likewise fail to make any distinction between Lahrichi and his family members. The interests asserted by the co-plaintiffs are thus

1 sufficiently parallel to those asserted by Lahrichi in the prior federal action to allow
2 implication of privity. Plaintiffs herein seek a finding that Lahrichi's spouse, children and
3 mother are parties in privity with him for purposes of the application of the relitigation
4 doctrines to the allegations stated in the state court action.

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6 IX.

7 The equitable requirements for issuance of a preliminary injunction are present.
8 Plaintiffs are likely to succeed on the merits because the requirements for application of the
9 relitigation exception are met in this case. The burden of defending against duplicative
10 litigation in state court constitutes irreparable harm to these Plaintiffs. The balance of equities
11 weighs in favor of protecting Plaintiffs from the burden of relitigating claims already decided,
12 and weighs against allowing Lahrichi, who was afforded a full and fair opportunity to litigate
13 these claims in this Court, from re-litigating them in state court. And, the public interest
14 would clearly be served by enjoining repetitious and wasteful litigation.
15

16 X.

17 WHEREFORE, Plaintiffs request:

18 1. Judgment enjoining Defendant Adil Lahrichi from continuing to prosecute the
19 state court action and from bringing, filing, commencing, or otherwise participating in any
20 lawsuit in any jurisdiction that arises from the claims, facts and/or circumstances of the prior
21 federal action;
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1 2. A finding that the other plaintiffs in the state court action, Lahrichi's spouse,
2 children and mother, are parties in privity with Lahrichi for purposes of application of the
3 relitigation exception to the allegations stated in the state court action; and

4 3. Such other and further relief as the Court deems just and necessary.
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6 Dated this 28th day of August, 2009.

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